

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY

IN THE MATTER OF: ) Case No.: DO-12-0171  
)  
RICHARD SETTLES, D.O. )  
Holder of License No. 2686 ) CONSENT AGREEMENT FOR INTERIM  
) ORDER FOR PRACTICE RESTRICTION  
)  
Holder of License No. 2686 )  
For the Practice of Osteopathic Medicine )  
In the State of Arizona )

INTERIM CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Board of Osteopathic Examiners in Medicine and Surgery ("Board") and Richard Settles, D.O. ("Respondent"), the parties agree to the following disposition of this matter.

1. Respondent has read and understands this Interim Consent Agreement and the stipulated Interim Findings of Fact, Interim Conclusions of Law and Interim Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. By entering into this Interim Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Interim Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Interim Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. Respondent admits to the findings of fact and conclusions of law contained in the Interim Consent Agreement and Order.

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1           5.     This Interim Consent Agreement, or any part thereof, may be considered in any  
2 future disciplinary action against Respondent.

3           6.     This Interim Consent Agreement does not constitute a dismissal or resolution of  
4 this or other matters currently pending before the Board, if any, and does not constitute any  
5 waiver, express or implied, of the Board's statutory authority or jurisdiction. The acceptance of  
6 this Interim Consent Agreement does not preclude any other agency, subdivision or officer of  
7 this State from instituting other civil or criminal proceedings with respect to the conduct that is  
8 the subject of this Consent Agreement.

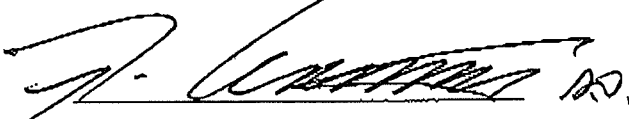
9           7.     Upon signing this agreement, and returning this document (or a copy thereof) to  
10 the Board's Executive Director, Respondent may not revoke the acceptance of the Consent  
11 Agreement. Respondent may not make any modifications to the document. Any modifications  
12 to this original document are ineffective and void unless mutually approved by the parties.

13           8.     This Interim Consent Agreement, once approved and signed, is a public record  
14 that will be publicly disseminated as a formal action of the Board and will be reported to the  
15 National Practitioner Data Bank and to the Board's website.

16           9.     If any part of the Interim Consent Agreement is later declared void or otherwise  
17 unenforceable, the remainder of the Interim Consent Agreement in its entirety shall remain in  
18 force and effect.

19           11.    If the Board does not adopt this Interim Consent Agreement, (1) Respondent will  
20 not assert as a defense that the Board's consideration of the Interim Consent Agreement  
21 constitutes bias, prejudice, prejudgment or other similar defense; and (2) the Board will not  
22 consider content of this Interim Consent Agreement as an admission by Respondent.

23                   REVIEWED AND ACCEPTED THIS 16<sup>th</sup> DAY OF NOVEMBER, 2012.

24   
25 Richard Settles, D.O.

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## JURISDICTIONAL STATEMENT

1. The Board is empowered, pursuant to A.R.S. § 32-1800, et seq. to regulate the licensing and practice of osteopathic medicine in the State of Arizona.

2. Respondent holds license No. 2686 issued by the Board to practice as an osteopathic physician.

## INTERIM FINDINGS OF FACT

1. On June 11, 2012, the Board entered findings of fact, conclusions of law and an order for a decree of censure, probation, practice restriction and civil penalty in case number DO-10-0061A against Respondent ("Board Order").

2. The Board Order issued Respondent a decree of censure and ordered him to pay a civil penalty of \$1,000.

3. The Board Order restricted Respondent from prescribing or recommending Schedule I, II, III or IV controlled substances for a period of two years from the effective date of the Board Order. In addition, the Board Order restricted Respondent from providing chronic pain management or from supervising Physician Assistants in the area of chronic pain management until otherwise approved by the Board.

4. The Board Order also placed Respondent on probation for five years, required him to undergo a Board approved practice evaluation and required him to hire a practice monitor at his own expense.

5. The Board Order was effective on July 17, 2012 ("Effective Date").

6. After receiving a complaint and as part of an investigation into Respondent's compliance with the Board Order, Board Staff queried the Controlled Substance Prescription Monitoring Program ("CSPMP"); based on the results from the CSPMP, Board Staff issued subpoenas for some of the prescriptions that Respondent had written after the Effective Date and the medical records of those patients.

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7. On November 9, 2012, Board Staff conducted an investigational interview with Respondent. At that interview, Board Staff reviewed some of the documents received under subpoena and Respondent acknowledged that he had signed prescriptions for Schedule I, II, III or IV controlled substances after the Effective Date. Respondent stated that he had only written or authorized prescriptions in his capacity as the regional medical director for various hospice locations; Respondent stated that he had not written prescriptions for patients in his private practice. Further, Respondent acknowledged that he had not undergone a Board approved practice evaluation and he had not hired a practice monitor. Respondent stated that he did not hire a practice monitor because he was not actively practicing in Arizona.

### INTERIM CONCLUSIONS OF LAW

1. Pursuant to A.R.S. § 32-1800, et seq. the Board has subject matter and personal jurisdiction in this matter.

2. The conduct and circumstances described in the Interim Findings of Fact above, if proven true, constitute unprofessional conduct as defined in the following paragraphs of A.R.S. § 32-1854:

(25) Violating a formal order, probation or a stipulation issued by the board under this chapter.

## ORDER

Pursuant to the authority vested in the Board, and based upon the Interim Findings of Fact and Interim Conclusions of Law, **IT IS HEREBY ORDERED THAT:**

1. Richard Settles, D.O., ("Respondent") IS RESTRICTED FROM PRACTICING medicine until the investigation in this case is completed and he appears before the Board of Osteopathic Examiners for resolution.

2. This is an interim order and not a final decision by the Board regarding the pending investigative file and as such is subject to further consideration by the Board.

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1           3.     Any violation of this Consent Agreement and Order constitutes unprofessional  
2 conduct and may result in disciplinary action and or referral to the appropriate criminal agency.

3           4.     Service of this Order is effective upon either personal delivery or the date of  
4 mailing, by U.S. certified mail, addressed to Respondent's last known address of record with the  
5 Board. See A.R.S. § 32-1855(F).



ISSUED THIS 17<sup>th</sup> DAY OF NOVEMBER, 2012.  
STATE OF ARIZONA  
BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY

10 By: Jenna Jones  
11 Jenna Jones, Executive Director

12 Original filed this 17<sup>th</sup> day of November, 2012 with the:

13 Arizona Board of Osteopathic Examiners  
14 In Medicine and Surgery  
15 9535 East Doubletree Ranch Road  
16 Scottsdale AZ 85258-5539

17 Copy of the foregoing sent via regular mail  
18 this 17<sup>th</sup> day of November, 2012 to:

19 Sarah Selzer, AAG  
20 Office of the Attorney General CIV/LES  
21 1275 West Washington  
22 Phoenix AZ 85007

23 Copy of the foregoing sent via regular mail  
24 this 17<sup>th</sup> day of November, 2012 to:

25 Christine Cassetta  
26 Quarles & Brady, LLP  
27 One Renaissance Square  
Two North Central Avenue  
Phoenix, Arizona 85004  
*Attorney for Richard Settles, D.O.*

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